REMARKS

Claims 84 – 92 and 105 – 130 are pending. Claims 128 – 130 have been added. Claims 84, 105, and 114 have been amended. No new matter has been added. The applicant respectfully requests reconsideration and reexamination of the presently pending claims in this application.

The applicant thanks the Examiner for holding an interview along with Examiner Smith on March 1, 2006. The applicant understands that both Examiners are busy and appreciates the time that each Examiner took to study the case.

In the December 16, 2005 Office Action, the Examiner rejected claims 84 – 90, 105 – 111, and 114 – 127 under 35 U.S.C. § 103(a) as being unpatentable over stated U.S. Patent No. 6,430,576 to Gates et al. ("the Gates reference") in view of U.S. Patent No. 6,442,532 to Kawan ("the Kawan reference") in view of U.S. Patent No. 5,845,282 to Alley et al. ("the Alley reference"). The Examiner rejected claims 91, 92, 112, and 113 as being unpatentable over the Gates reference in view of the Kawan reference and further in view of the Alley reference and the Bluetooth protocol. These rejections are respectfully traversed.

Claim 84 recites:

> A self-contained business transaction capsule, comprising:
> a machine readable storage medium, the machine-readable storage medium including transaction data, the transaction data including data regarding transaction products, transaction services, and transaction participants;
> machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause a wireless communicating electronic device to:
> initiate interaction between the transaction participants and the self-contained business transaction capsule by receiving input regarding a business transaction;

modify the transaction data, by receiving input, to create modified transaction data; and

transfer the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronics device to another transaction participant's wireless electronics devices utilizing wireless communications.

The Gates reference does not disclose, teach, or suggest the self-contained business transaction capsule of claim 84. Specifically, the Examiner stated that the Gates reference disclosed that the instructions when executed 1) modified the data by receiving input to create modified data (when the client modified the object) and 2) transferred the entire capsule, which includes the modified data and the code, from one device to another participant from Col. 6, line 10 on. *(Office Action, page 2)*. The applicant understands the Examiner's use of the Gates reference but does not believe that the Gates reference discloses the highlighted limitation. First, the Gates reference is directed to the distributing and the synchronizing of objects. Specifically, column 6, lines 10 – 68 is disclosing the synchronization of objects across a network. In other words, this section of the Gates reference is directed to making sure that copies of a common object remain the same and performs this by having any object that has been updated, send the updated data (not the whole object) back to another computer, in most cases the server that originally housed the object. The other computer (server) then sends the updated data to the other copies of the object around the network to keep the objects the same (or common). The present invention is directed to a self-contained business transaction capsule, which after being distributed to a transaction participant, changes because of the participant's personal data and decision as to what to purchase. In addition, the **entire self-contained business transaction capsule is**

transferred, not just the modified data. Thus, generally, the Gates reference does not disclose the highlighted limitation.

Specifically, the Gates reference discloses that an object on a server is copied from the server 208 into the local address space for a number of client computers (A and B) on the network 206. For example, an object A may be distributed to client 1 and client 3. A user may modify the copy of object A on client 1 which results in the copy of object A on client 1 being different from the copy of object A on client 3 and the server 208. In order to coordinate the state of the objects across the network, the synchronization of the objects occurs automatically and transparently to the user. A flexible policy provides for the automatic synchronization upon compliance with specified conditions (e.g., after a certain time, after a number of messages, etc.). *(Gates, col. 6, lines 10 – 60)*. After the policy's condition have been met, one or more embodiments of the invention synchronize the copies of the objects with each other by transmitting the minimum amount of information necessary to reflect the differences to the remote counterpart of the object. The remote counterpart of the object may then propagate the differences to other systems / copies of the object. *(Gates, col. 6, lines 61 – 68)*.

This is not the same as a self-contained business transaction capsule including **machine readable program code**, stored on the machine-readable storage medium, the machine readable program code having instructions, **which when executed cause a wireless communicating electronic device to transfer the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code,** from the wireless

communicating electronics device to another transaction participant's wireless electronics devices utilizing wireless communications. It is not the same because the Gates reference is transferring the minimum amount of information necessary from the client to the server (or other clients). The Gates reference discloses that only the minimum amount of information (i.e., the modified data) is transferred and does not disclose that the entire object (which is akin to the claimed self-contained business transaction capsule) is transferred. During the March 1, 2006 interview, Examiner Lugo mentioned that all of data in the object may be changed and in that particular case, he believed the entire object (akin to self-contained business transaction capsule in claim 84) would then be transferred. The applicant respectfully disagrees with the Examiner.

First, the Gates reference does not mention a specific occurrence where all the data is changed and therefore does not disclose specifically what would be transferred back to the server in that case (i.e., in the case of the data being changed). It is our belief that the Gates reference does not mention this because the patent is directed to synchronization in the most efficient manner. Further, there is no mention at all in the Gates reference that **the machine-readable program code (or logic)** included in the self-contained business transaction is transferred. In other words, the Gates reference is disclosing transmitting only the data that has been modified or changed, not **transferring the whole object, which includes the transaction data, the modified data, and the machine-readable program code**. Accordingly, applicant respectfully submits that claim 84 distinguishes over the Gates reference.

During the Examiner's interview, Examiners Smith and Lugo also noted that U.S. Patent No. 6,061,057 to Knowlton ("the Knowlton reference") was a reference of

interest. The Examiners did not identify specifically which sections or columns of the Knowlton reference were of interest. We have reviewed the Knowlton reference and believe that the Knowlton reference does not disclose, teach, or suggest the self-contained business transaction capsule of claim 84, as amended.

The Knowlton reference discloses an apparatus for executing business transactions and transferring subscribed for and periodically updated information across networks using encapsulated, self-contained visual link objects that include a displayable image. The self-contained visual link objects also include a dataset forming the contents of the object and additional information wherein the contents of the visual link object are determined by the nature of an intended transaction or the nature of the information to be distributed. *(Knowlton, Abstract)*. The visual link object itself includes at least a first part containing a graphic file and a second part that forms an appendix to the graphic file and contains a dataset. A preferred embodiment preferably includes a third part, after the appendix, that contains a copyright notice. The visual link objects are of relatively small sizes, on the order of 2.5 kilobytes. Because of this small size, the visual link objects can be readily stored, transferred, transmitted, broadcast, emailed, or otherwise transported across a variety of systems. *(Knowlton, col. 8, lines 16 – 48)*.

The graphic 12 contains a graphic image 12A that is displayable for visual representation and identification of the electronic business VLO 10 to a user. This graphic file may be any standard format such as JPEG, TIFF, GIF, bitmap, or 24 bit screen capture format. Graphic 12 is fully accessible and readable by any system,

utility, or application program having the capability of displaying a commonly accepted industry standard graphic file format. *(Knowlton, col. 9, lines 48 – 60)*.

The appendix may include a combination of an encoded data block, an extended markup language block, a binary large object block, and a program invoke block. The encoded data block contains standardized information fields specific to the purpose and function of the electronic business VLO, the extended markup language block includes information particular to a specific user or created of the electronic business format, the binary large object file contains additional info in any binary format, and the program invoke allows the invocation of third-party programs, (such as application programs resident in the Windows environment) to operate upon the file components contained in the other parts of the VLO. *(Knowlton, col. 10, lines 3 – 27)*. The binary info includes any form of data, such as sound, video or graphics files and encoded data streams for special purposes. *(Knowlton, col. 10, lines 3 – 12)*. The program invoke includes data identifying files in the electronic business VLO that may be operated upon by third party programs, such as helper programs founding in Microsoft Windows operating systems. *(Knowlton, col. 12, lines 19 – 28)*. The encoded data block, the extended markup language block, the binary info, and the program invoke areas all include data and there is no specific disclosure that **machine-readable program code that is executed by the wireless electronics device** resides in any of these sections of the Knowlton visual link object.

The Knowlton reference also discloses an electronic commerce system 48 using VLOs. The system 48 include a VLO encoder 50, which may be resident in a server and a VLO decoder 52, which is resident in the buyer 32, and which is used to read and

interpret VLOs. Other components include a VLO shopper 54 which is resident in buyer 42 and is used by the buyer to organize and facilitate business transactions with VLOs; a VLO broadcaster mechanism 56, which is used to broadcast or push VLOs down to the buyer, or to prepare a database to be polled, i.e., pulled by a program resident on the buyer 32; and a VLO screen saver 58, which may be resident in Buyer 32 and used to display electronic VLOs 10. *(Knowlton, col. 19, lines 46 – 56)*. The Knowlton reference also discloses a shopper module 54 which is resident in buyer 32 and is essentially a facility that may be used by the buyer to organize and facilitate business transactions. The shopper 54 constructs and displays a shopper window 74 including a number of windows. The shopper 54 utilizes drag and drop functions to drag or copy VLOs 10 selected by the user from a web page 66 to selected window 76 where the selected VLOs 10 are retained and displayed for subsequent consideration and actions by the user. *(Knowlton, col. 33, lines 41 – 59)*. The user can then visually and functionally organize and group VLOs 10 in the selected window 76 or other pop-up windows, or by adding control buttons in other windows to allow the user to direct the shopper 54 to e-mail the indicated VLOs. *(Knowlton, col. 33, lines 59 – 67)*. In other words, the Knowlton reference is disclosing that another program has executable code and operates on the internal data segments in the VLO. The VLO itself does not have executable code that operates directly on its own internal data segments. The VLO is like a Super data file that represent different elements of the business transaction. Thus, the shopper program that includes executable code that operates on the data inside the VLO.

Further, there is no disclosure in the Knowlton reference that the VLO itself has machine-readable program code, that when executed, causes the VLO itself to **copy or transfer the entire self-contained business transaction capsule**, i.e., the transaction data, the modified transaction data, and the machine-readable program code. The Knowlton reference discloses that another program (i.e., the Broadcast or the Shopper programs) interacts, copies, or transfers the VLOs.

The Knowlton reference does not make up for the deficiencies of the Gates reference. The disclosure of the Knowlton reference is not the same as a self-contained business transaction capsule including **machine readable program code**, stored on the machine-readable storage medium, the machine readable program code having instructions, **which when executed cause a wireless communicating electronic device to transfer the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code,** from the wireless communicating electronics device to another transaction participant's wireless electronics devices utilizing wireless communications. It is not the same because the Knowlton reference does not disclose that the self-contained business transaction capsule actually include machine-readable program code. Instead, the Knowlton reference discloses that the visual link object (VLO), which is akin to the self-contained business transaction capsule, includes only data, where the data can be utilized by other programs.

In addition, the Knowlton reference never discloses that its VLO includes machine readable program code having instructions, **which when executed cause a wireless communicating electronic device to transfer the entire self-contained**

business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronics device to other transaction participant's wireless electronics devices utilizing wireless communications. The VLO of the Knowlton reference is always acted upon by another piece of software, such as the shopper module, the broadcaster mechanism, or the O/S of the buyer computer (for drag / drop operations). In other words, the Knowlton reference never discloses that executable software is present in the VLO (the VLO being akin to the self-contained business transaction capsule) which when executed **transfers the entire module to another communication device** because the Knowlton reference teaches that a program external to the VLO must do the copying of the VLO (capsule). Accordingly, claim 84, as amended, distinguishes over the Knowlton / Gates combination.

The Kawan, Alley, and Bluetooth references do not make up for the deficiencies of the Knowlton / Gates references. The Kawan reference is utilized by the Examiner to disclose that is well known in the art to provide a wireless server so as to connect a user with a server. The Alley reference is utilized by the Examiner to disclose that it is well known in the art to transfer information between a server and a wireless device. *(Office Action, page 3).* The Bluetooth reference is utilized by the Examiner to disclose that it is known in the art to have a portable electronic device of short-range. *(Office Action, page 4).* However, none of these references disclose a self-contained business transaction capsule including **machine readable program code**, stored on the machine-readable storage medium, the machine readable program code having instructions, **which when executed cause a wireless communicating electronic**

device to transfer the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronics device to other transaction participant's wireless electronics devices utilizing wireless communications. Accordingly, applicant respectfully submits that claim 84 distinguishes over the Gates / Knowlton / Kawan / Alley / Bluetooth combination.

Independent claims 105 and 114 – 117 recite limitations similar to independent claim 84. Accordingly, applicant respectfully submits that claims 105 and 114 – 117 distinguish over the Gates / Knowlton / Kawan / Alley / Bluetooth combination for reasons similar to those discussed above in regard to claim 84.

Claims 85 – 92, 106 – 113, and 118 – 129 depend, directly or indirectly, on independent claims 84, 105, and 114 – 117. Accordingly, applicant respectfully submits that claims 85 – 92, 106 – 113, and 118 – 129 distinguish over the Gates / Knowlton / Kawan / Alley / Bluetooth combination for the same reasons as those discussed above in regard to claim 84.

Claims 128 and 129 further distinguish over the cited references. Claim 128 recites:

> The self-contained business transaction capsule of claim 84, wherein the machine executable program code includes **a state machine ruleset for interacting with the wireless electronics device**.

Claim 129 recites:

> The self-contained business transaction capsule of claim 84, wherein the machine executable program code includes **a state machine ruleset for interacting with a mobile commerce system**.

The Gates reference does not disclose that the object includes machine-readable program code. Accordingly, the Gates reference cannot disclose that the machine-readable program code **includes a state machine ruleset for interacting with the wireless electronics device or a state machine ruleset for interacting with the mobile commerce system**. The Knowlton reference also does not disclose that the VLO includes machine-readable program code. Accordingly, the Knowlton reference cannot disclose that the machine-readable program code **includes a state machine ruleset for interacting with the wireless electronics device or a state machine ruleset for interacting with the mobile commerce system**. Thus, claims 128 and 129 further distinguish over the Gates / Knowlton combination.

Independent claim 130 distinguishes over the cited references. Independent claim 130 recites:

> A self-contained business transaction capsule, comprising:
> a machine readable storage medium, the machine-readable storage medium including transaction data, the transaction data including data regarding transaction products, transaction services, and transaction participants;
> machine readable program code, stored on the machine-readable storage medium, the machine readable program code having instructions, which when executed cause a wireless communicating electronic device to:
> initiate interaction between the transaction participants and the self-contained business transaction capsule by receiving input regarding a business transaction;
> modify the transaction data, by receiving input, to create modified transaction data; and
> **operate on the transaction data and the modified transaction data included in the self-contained business transaction capsule to copy the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronics device to another transaction participant's wireless electronics devices utilizing wireless communications.**

None of the cited references disclose a self-contained business transaction capsule including machine-readable program code having instructions which when executed cause a wireless communicating electronic device to **operate on the transaction data and the modified transaction data included in the self-contained business transaction capsule to copy the entire self-contained business transaction capsule, which includes the transaction data, the modified transaction data, and the machine-readable program code, from the wireless communicating electronics device to another transaction participant's wireless electronics devices utilizing wireless communications.** As noted above, the Gates reference's object does not include machine readable program code and therefore cannot operate on the transaction data and the modified transaction data included in the self-contained business transaction capsule. In addition, the VLO of the Knowlton reference does not include machine readable program code. Assuming, *arguendo*, that the Knowlton reference did disclose machine-readable program code, the Knowlton reference does not disclose that the VLO program code that when executed causes the wireless communication device to operate on the transaction data and the modified transaction data. None of the Kawan / Alley / Bluetooth references disclose the highlighted limitation. Accordingly, applicant respectfully submits that claim 130 distinguishes over the Gates / Knowlton / Kawan / Alley / Bluetooth combination.

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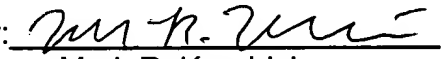
Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: March 27, 2006

By: 
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